IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4684 OF 2004
WITH
CRIMINAL APPLICATION NO.4685 OF 2004
WITH
CRIMINAL APPLICATION NO.4686 OF 2004

Sau Pushpadevi Roshanlal Jain Applicant
versus
State of Maharashtra & another Respondents

Shri A.S.Khandeparkar for applicant.
Shri V.G.Mujumdar for respondent no.2.
Shri P.S.Hingorani, APP for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 25th August 2006

PC :

1. In all these matters the second respondent-original complainant has filed complaints alleging commission of offence under sections 138 and 141 of the Negotiable Instruments Act, 1881. In each of these matters process came to be issued summoning the petitioners and their applications for recalling the same, have been rejected. That is how the matter was brought before this Court.

2. After these matters were adjourned from time to time Shri Khandeparkar appearing for petitioners-accused in each of these matters hands over Demand Draft of Rs.1.00 lakh each which would total to Rs.3.00 lakh. According to him, this is the cheque amount and the Drafts are handed over in the Court to Shri Mujumdar today. Shri Mujumdar states that this does not mean that the claim of the respondents- original complainants has been settled in full. He submits that acceptance of Drafts is without prejudice to the rights and contentions of respondents-original complainants.

3. Needless to state that tendering of the Drafts and their acceptance is without prejudice to the rights and contentions of both sides.

4. In the light of the cheque amount being forwarded, the complaints before the Judicial Magistrate’s Court do not survive and proceedings are accordingly quashed. Applications disposed off.

(S.C.DHARMADHIKARI, J.)